

Mail Stop Interference
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Paper 1
Filed: July 7, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT S. SUPINSKI

Junior Party
(Application 10/007,812),

v.

**ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.
SIDEBOTHAM, and DAVID KENT DEBOER**

Senior Party
(Patent 6,146,423).

Patent Interference No. 105,761 (JL)
(Technology Center 3700)

DECLARATION – Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue
4 application (if any), count(s) and claims designated as corresponding or as
5 not corresponding to the count(s) appear in Parts E and F of this
6 DECLARATION.

7 **Part B. Judge managing the interference**

8 Administrative Patent Judge Jameson Lee has been designated to
9 manage the interference. Bd. R. 104(a).

10 **Part C. Standing order**

11 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies
12 this DECLARATION. The STANDING ORDER applies to this
13 interference.

14 **Part D. Initial conference call**

15 A telephone conference call to discuss the interference is set for **1:00**
16 **p.m. on August 18, 2010** (the Board will initiate the call).

17 No later than **four business days** prior to the conference call, each
18 party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.
19 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

1 A sample schedule for taking action during the motion phase appears
2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the
3 schedule prior to the conference call and to agree on dates for taking action.
4 A typical motion period lasts approximately eight (8) months. Counsel
5 should be prepared to justify any request for a shorter or longer period.

6 **Part E. Identification and order of the parties**

7
8 Junior Party

9 Named inventor: ROBERT S. SUPINSKI, Mount Morris,
10 New York

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12 Involved Application: 10/007,812 filed November 8, 2001.

13 Title: Patella Replacement Apparatus

14
15 Assignee: None

16
17 Senior Party

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19 Named Inventors: ROBERT C. COHEN, Rockaway Township,
20 New Jersey

21
22 RAFAIL ZUBOK, Midland Park, New Jersey

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24 CHRISTOPHER G. SIDEBOTHAM, Randolph,
25 New Jersey

26
27 DAVID KENT DEBOER, Allendale, New Jersey

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29
30 Involved Patent: 6,146,423 issued November 14, 2000, based on
31 application 09/239,467 filed January 28, 1999.

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33 Title: Patella Replacement Apparatus

1 Assignee: Zimmer Trabecular Metal Technology, Inc.

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3 The senior party is assigned exhibit numbers 1001-1999. The junior

4 party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶

5 154.2.1. The senior party is responsible for initiating settlement discussions.

6 SO ¶ 126.1.

7 **Part F. Count and claims of the parties**

8 Count 1

9 Supinski's Claim 1

10 or

11 Cohen's Claim 2

12 The claims of the parties which correspond to Count 1 are:

13 Supinski: 1 and 3-7

14 Cohen: 1-7

15 Count 2

16 Supinski's Claim 8

17 or

18 Cohen's Claim 8

19 The claims of the parties which correspond to Count 2 are:

20 Supinski: 8-21

21 Cohen: 8-24

1 The claims of the parties are:

2 Supinski: 1, 3-21

3 Cohen: 1-24

4 The claims of the parties which correspond to Counts 1 and 2 are:

5 Supinski: 1 and 3-21

6 Cohen: 1-24

7 The claims of the parties which do not correspond to Counts 1 and 2
8 and therefore are not involved in the interference, are:

9 Supinski: None

10 Cohen: None

11 The parties are accorded the following benefit for Counts 1 and 2:

12 Supinski: None

13 Cohen: None

1 **Part G. Heading to be used on papers**
2

3 The following heading must be used on all papers filed in this
4 interference, see SO ¶ 106.1.1:

5 UNITED STATES PATENT AND TRADEMARK OFFICE
6

7

8 BEFORE THE BOARD OF PATENT APPEALS
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11

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14 (Application 10/007,812),
15 v.

16 ROBERT C. COHEN, RAFAIL ZUBOK, CHRISTOPHER G.
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18 Senior Party
19 (Patent 6,146,423).
20

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22 Patent Interference No. 105,761 (JL)
23 (Technology Center 3700)

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/s/ Jameson Lee
Administrative Patent Judge

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